

**EXHIBIT JN5**

ORIGINAL

Gillian M. Ross (Bar No. 127116)  
Leonard E. Marquez (Bar No. 206885)  
WENDEL, ROSEN, BLACK & DEAN LLP  
1111 Broadway, 24th Floor  
Oakland, CA 94607-4036  
Telephone: (510) 834-6600  
Fax: (510) 834-1928

**FILED**  
San Francisco County Superior Court

AUG 30 2006

Attorneys Specially Appearing For Defendants  
DHI Mortgage Company, Ltd., Michael Mason,  
Daniel Callihan and Annie Schankin

GORDON PARK-LI, Clerk  
Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SAN FRANCISCO  
UNLIMITED JURISDICTION

PATRICE A. MISSUD,

Plaintiff,

vs.

DR HORTON, A CORPORATION; DHI  
MORTGAGE, A CORPORATION;  
MICHAEL MASON, AGENT OF DHI  
MORTGAGE; DANIEL CALLIHAN,  
AGENT OF DHI MORTGAGE; ANNE  
SCHANKIN, AGENT OF DR HORTON,

Defendants.

Case No. CGC 05-447499

~~[PROPOSED]~~ ORDER DENYING:

(1) PLAINTIFF'S MOTION FOR  
SANCTIONS;

(2) PLAINTIFF'S MOTION TO RULE ON  
JURISDICTION OVER REMAINING  
DEFENDANTS; AND

(3) PLAINTIFF'S MOTION TO  
CONSIDER LATE FILED FORM OF  
ORDER

Date: August 30, 2006

Time: 9:30 a.m.

Dept: 301

Judge: Hon. Peter J. Busch

[PROPOSED] ORDER

Wendel, Rosen, Black & Dean LLP  
1111 Broadway, 24th Floor  
Oakland, CA 94607-4036

The Motion for Sanctions, Motion to Consider Late Filed Form of Order, and Motion to Rule on Jurisdiction over Remaining Defendants ("Plaintiff's Motions") filed by plaintiff Patrice A. Missud ("Plaintiff") came on regularly for hearing on August 30, 2006 at 9:30 a.m. in Department 301 of the above-entitled Court before the Honorable Peter J. Busch, Judge of the Superior Court. Leonard E. Marquez, Esq. of Wendel, Rosen, Black & Dean, LLP appeared specially on behalf of defendants DHI Mortgage Company, Ltd., Michael Mason, Daniel Callihan and Annie Schankin ("Defendants") and Plaintiff appeared in *pro per*.

After full consideration of Plaintiff's Motions, IT IS HEREBY ORDERED, DECREED AND AJUDGED that:

1. Plaintiff's Motion for Sanctions is DENIED.
2. Plaintiff's Motion to Consider Late Filed Form of Order is DENIED.
3. Plaintiff's Motion to Rule on Jurisdiction over Remaining Defendants is DENIED.
4. The Court finds that Plaintiff has failed to carry his burden of proof to demonstrate by a preponderance of the evidence that any of the remaining defendants, DHI Mortgage Company, Ltd., Michael Mason, Daniel Callihan and Annie Schankin, has sufficient minimum contacts with California to support personal jurisdiction in this Court. *DVI Inc. v. Superior Court of Orange County* (2002) 104 Cal.App.4th 1080, 1090. The Clerk of the Court is hereby directed to enter forthwith a dismissal, without prejudice, of plaintiff Patrice A. Missud's entire complaint as to all parties for lack of personal jurisdiction.
5. Defendants' Motion to Quash, currently set for hearing on September 13, 2006, in Department 301 of the Court, is ordered off calendar as moot.

Dated: August 30, 2006

  
Judge of the Superior Court

DIANE ELAN WICK